

ADMINISTRATOR OF JOHN JACKSON.

[To accompany bill H. R. No. 427.]

MAY 25, 1842.

Mr. COWEN, from the Committee of Claims, submitted the following

REPORT:

The Committee of Claims, to whom was referred the petition of the administrator of Captain John Jackson, report:

That the petitioner represents that, in the spring of 1836, his intestate commanded the revenue cutter Jefferson, stationed on the coast of Florida, under the command of Commodore Dallas, then of the frigate Constellation; that, in April, 1836, he received from the purser of the frigate \$100, "to defray pilotage and other expenses of said cutter," and that, in May of the same year, he received, from the acting navy agent at Pensacola, \$650, "for the pay of seamen whose terms of service" had expired on board the said cutter; that, on the 18th day of December, 1837, the deceased left Savannah, Georgia, in the packet brig "General McIntosh," for Baltimore, with the intention of going to the District of Columbia to visit his family, then residing in Georgetown, D. C., and to settle his accounts with the Government. The brig in which he sailed, with all on board, was lost, and have not been heard of since their departure from Savannah. It was supposed by the widow of Captain Jackson that something was due from the United States for the services of her deceased husband. It was found, however, upon inquiry, that he stood charged with these moneys, received by him in 1836, amounting to \$750, and that the accounting officers of the Treasury Department had no authority to cancel it without evidences of its disbursement, which could not be obtained. The petitioner supposes that Captain Jackson had his receipt and vouchers with him on board the brig in which he was lost, and that they were lost also.

There is no doubt of the material facts being substantially as alleged by the petitioner in relation to the receipt of the money and the loss of the brig, with his intestate on board. The committee think that these facts should entitle the petitioner to a hearing upon secondary evidence: that, though not positively shown, yet it is fairly inferrible that the vouchers and accounts of the deceased were lost. The accounting officers of the Treasury, as the committee think, properly declined to receive the inferior evidence; but it is submitted whether the House may not and whether it ought not to look carefully into all the circumstances of this case, to ascertain how the fact is as to the use made of these moneys by the deceased.

The money was received in the spring of 1836. Captain Jackson lived, and it is probable, though not directly in proof, continued in service on the same station, where he received and should have paid out this money, until

December, 1837. The money, \$650 of it, was received to pay "seamen whose term of service" had expired; \$100 to pay pilotage and other expenses of the cutter under his command. Most of it was to pay debts which were then due. The creditors, without doubt, most, if not all, of them, were in the place where the deceased was stationed. The class of creditors to whom the larger sum was to be paid would not be likely to remain silent under delay of payment. If their pay was not received from Captain Jackson, they would not have long delayed a demand elsewhere. It is now about six years since these moneys were received; and it appears, by a letter of the 12th of April, 1842, from the Fourth Auditor, in answer to inquiries from the chairman of the committee, that, upon a careful examination, that officer has not been able to find any evidence to show that the claims, which the money received by Captain Jackson was intended to pay, have been paid out of any other moneys than those delivered to Captain Jackson for the purpose of satisfying them. It does not appear that those creditors have, upon any occasion, complained of non-payment or delay of payment of their claims. This circumstance the committee regard as entitled to much weight in favor of the presumption that the deceased disbursed these moneys to the proper creditors of the Government, and that his representative should have credit for them. It is, the committee think, highly improbable that those discharged seamen, for whom the \$650 were intended, would each and all of them have submitted, without complaint or demand of payment, for six years, if they had not received their pay. After this lapse of time, and no demand upon the Treasury for any part of those claims, it is also highly probable that no demand will ever be made. A presumption of payment would not be very unreasonable, if lapse of time alone were taken in support of it; but when that fact is taken in connexion with the fact that the money for the payment of those claims was placed in the hands of the captain in command of the cutter upon which the services were rendered, the committee think that the circumstances fully justify and support the presumption that Captain Jackson faithfully and honestly applied the moneys by him received to the uses for which he received them, and report a bill for his relief. The letter of the Fourth Auditor, above referred to, and the requisitions and receipts for the money, are printed with this report.

UNITED STATES FRIGATE CONSTELLATION,

Pensacola, April 27, 1836.

SIR: You will let Captain Jackson, of the revenue cutter Jefferson, now acting under my order, have the sum of \$100, to defray pilotage and other expenses of said cutter.

You will take receipts from Captain Jackson for the same.

Respectfully, your obedient servant,

A. J. DALLAS.

To Mr. DE BREE,

Purser United States frigate Constellation.

UNITED STATES FRIGATE CONSTELLATION,

Pensacola, April 26, 1836.

Received from John De Bree, purser, \$100, in payment of the above order.
(\$100.) JNO. JACKSON.

UNITED STATES REVENUE CUTTER JEFFERSON,

Pensacola Bay, May 19, 1836.

There is required for the pay of seamen, whose terms of service have expired on board the United States revenue cutter Jefferson, the sum of \$650, under the appropriation of pay, &c. The said cutter is acting with the navy, under orders from the Navy Department.

I am, respectfully, &c.,

To McKean Buchanan, Esq.,

Acting Navy Agent, Pensacola.

Approved:

A. J. DALLAS.

PENSACOLA, May 19, 1836.

Received from McKean Buchanan, acting navy agent, \$650, in full for the above requisition, and for which I hold myself accountable to the Navy Department.

JNO. JACKSON.

(\$650.)

TREASURY DEPARTMENT,

Fourth Auditor's Office, April 12, 1842.

SIR: A letter addressed to you, on the 31st ultimo, by the Hon. B. S. Cowen, chairman of the Committee of Claims of the House of Representatives, enclosing a petition of the administrator of the estate of the late Captain John Jackson, and inquiring whether the claims for the payment of which the said Jackson received from the hands of the Navy Department the two sums of \$100 and \$650, which are charged to him on the books of this office, have been paid out of other money, having been referred to this office for a report, I have the honor to state that, upon a careful examination, I have not been able to find any evidence to show that the said claims have been paid out of any other moneys than those delivered to Captain Jackson for the purpose of satisfying them. Considering all the circumstances, I think there is a very strong probability that the funds received by him were applied to the objects for which they were intended, and that his loss at sea alone prevented him from rendering an account of their disbursement.

The letter referred to me, with the accompanying papers, is herewith returned.

I have the honor to be, sir, very respectfully, your obedient servant,

A. O. DAYTON.

To the Hon. A. P. UPSHUR,

Secretary of the Navy.

